

# EXHIBIT J



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# Transcript of Thomas Sidley

**Date:** March 10, 2023

**Case:** XR Communications, LLC -v- Amazon.com, Inc., et al.

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WORLDWIDE COURT REPORTING & LITIGATION TECHNOLOGY

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION

----- )  
 )  
XR COMMUNICATIONS, LLC, dba )  
VIVATO TECHNOLOGIES, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
 )  
AMAZON.COM, INC., AMAZON.COM ) Civil Action No.  
SERVICES LLC, and EERO LLC, ) 6:21-cv-00619-ADA  
 )  
----- )  
CISCO SYSTEMS, INC., MERAKI ) Civil Action No.  
LLC, ) 6:21-cv-00623-ADA  
 )  
----- )  
MICROSOFT CORPORATION, ) Civil Action No.  
 ) 6:21-cv-00695-ADA  
 )  
----- )  
SAMSUNG ELECTRONICS CO., LTD, )  
et al., ) Civil Action No.  
 ) 6:21-cv-00622-ADA  
Defendants. )  
----- )

Videotaped Deposition of  
THOMAS SIDLEY, Conducted Virtually  
Friday, March 10, 2023

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13:08 EST

Job No.: 484221

Pages: 1 - 147

Reported by: LISA M BARRETT, RPR, CRR, CRC, CSR

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1	A	Yes.	15:52:41
2	Q	And then it says:	15:52:41
3		"By submitting this documentation the	15:52:42
4		undersigned is authorized to act on behalf of	15:52:44
5		Aequitas." [As read.]	15:52:46
6		Do you see that?	15:52:46
7	A	No, I don't.	15:52:47
8	Q	The last line on page 1.	15:52:49
9	A	Okay. Okay, I read that, yes.	15:52:51
10	Q	We're almost there.	15:52:59
11		If we can go to page 20 of the PDF,	15:53:00
12		Mr. Heifetz.	15:53:02
13		So this is the power of attorney that	15:53:10
14		was not submitted with the first petition but	15:53:12
15		submitted with the second one, and if we go to the	15:53:14
16		bottom of this page it looks like you signed this	15:53:17
17		on November 18, 2009. Does that look like your	15:53:22
18		signature?	15:53:28
19	A	Yes, that looks like my signature.	15:53:28
20	Q	And do you remember signing this?	15:53:31
21	A	I have no recollection at all.	15:53:34
22	Q	And you don't remember ever talking to	15:53:42
23		Mr. Schwedler?	15:53:43
24	A	I don't remember talking to -- I don't	15:53:44
25		recognize the name and I don't remember ever	15:53:47

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1	15:53:49	1	talking to an individual by that name.
2	15:53:52	2	Q So you think you never met
3	15:53:53	3	Mr. Schwedler?
4	15:53:55	4	A I have no recollection of meeting that
5	15:53:57	5	gentleman.
6	15:54:13	6	Q Do you remember who asked you to sign
7	15:54:15	7	this form?
8	15:54:17	8	A I have no recollection of this
9	15:54:19	9	transaction.
10	15:54:28	10	Q Mr. Heifetz, if we go to the next page,
11	15:54:30	11	this is the statement under 37 CFR 3.73(b)
12	15:54:35	12	referenced earlier, showing the chain of title.
13	15:54:41	13	Do you see your signature in the bottom
14	15:54:44	14	left?
15	15:54:45	15	A No, I do not. If we could scroll up.
16	15:54:53	16	Q Sorry, scroll down.
17	15:54:55	17	A Scroll down, excuse me.
18	15:54:56	18	Q Do you see your signature on this form
19	15:54:57	19	dated November 18, 2009?
20	15:54:59	20	A I see my signature, yes.
21	15:55:01	21	Q Okay. So can we at least agree that
22	15:55:05	22	you signed this power of attorney and this chain
23	15:55:13	23	of title on November 18, 2009 --
24	15:55:16	24	A That --
25	15:55:17	25	Q Let's just stop there. Can we agree on

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1 an objection. 16:24:57

2 BY MS. LEE: 16:24:59

3 Q I can repeat the question. 16:24:59

4 A Please. Thank you. 16:25:09

5 Q Do you have any reason to believe that 16:25:11

6 you would have been the one to make the decision 16:25:12

7 to say that the delay was unintentional? 16:25:15

8 A I have no recollection of this 16:25:17

9 transaction. I'm unfamiliar with this billing and 16:25:18

10 I don't recall any conversations. 16:25:23

11 Q And as I understand it, you don't have 16:25:27

12 patent experience or patent prosecution 16:25:30

13 experience; is that right? 16:25:32

14 A That is correct. 16:25:34

15 Q So sitting today here, would that have 16:25:36

16 been in your role when you were at Aequitas? 16:25:40

17 A Again, Annie, I have no recollection of 16:25:44

18 this transaction. 16:25:50

19 MS. LEE: Let's move to -- if we could 16:25:51

20 mark document BHB1411 as the next exhibit. 16:26:20

21 REMOTE TECHNICIAN: One moment. 16:26:36

22 MR. WANG: I'm sorry to interrupt but 16:26:36

23 while we're doing that, I'd like to mark the 16:26:38

24 transcript confidential because we've looked at 16:26:40

25 several documents designated "confidential". 16:26:43

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1	(Exhibit No. 10 was marked for	16:26:46
2	identification)	16:26:46
3	BY MS. LEE:	16:27:12
4	Q So this is a patent -- do you see that	16:27:12
5	this is a patent purchase agreement between	16:27:14
6	XR Communications and Aequitas from December 23rd,	16:27:17
7	2009?	16:27:21
8	A I just read the preamble and that's	16:27:24
9	what it appears to be.	16:27:26
10	Q Do you see that on -- if we could go to	16:27:39
11	the bottom of page BHB1413, the provision,	16:27:42
12	"Closing Payment." It says that the payor will	16:27:45
13	pay to seller the amount of one million US	16:27:52
14	dollars, i.e. the purchase price. Do you see	16:27:55
15	that?	16:28:01
16	A That's under subparagraph (a)?	16:28:01
17	Q Correct.	16:28:05
18	A Okay, I just read that.	16:28:06
19	Q Okay. So just to place us back in our	16:28:07
20	timeline, December 23rd, 2009, that's the last	16:28:15
21	transaction we talked about, so the sale from	16:28:18
22	Aequitas to XR Communications, they sold the	16:28:20
23	patents for a million dollars, as you can see	16:28:22
24	here, and if we can go down to Exhibit -- sorry,	16:28:24
25	if we can go down to page BHB1424, do you see that	16:28:36

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1 you signed this agreement? 16:28:51

2 A I see that it's marked that I signed 16:28:54

3 the agreement. 16:28:56

4 Q And do you remember signing this 16:28:59

5 agreement? 16:29:00

6 A I have no recollection of this 16:29:02

7 transaction. 16:29:03

8 Q Do you remember any of the work that 16:29:09

9 you did at Aequitas? 16:29:12

10 A It's been a long time. 16:29:16

11 Q Is that a "No"? 16:29:21

12 A I don't remember any of it. I don't 16:29:23

13 remember much of it in detail and, you know, I 16:29:24

14 left the firm in 2013. 16:29:28

15 Q Okay. All right. Let's see what we 16:29:34

16 can accomplish. 16:29:42

17 If we can go to page BHB1425, do you 16:29:43

18 see that this is titled "Exhibit A-1 -- Patents 16:29:48

19 and Patent Applications"? 16:29:52

20 A Yes, I see that. 16:29:55

21 Q And do you see that there are -- you 16:29:56

22 can count them if you want, there are 19 patents 16:29:57

23 and patent applications listed in these few pages? 16:30:00

24 A I have scanned the pages, I... 16:30:08

25 Q And do you see on the right side under 16:30:11

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1 Q So that's your testimony under oath, 17:17:41  
2 that you cannot recall if you were generally the 17:17:42  
3 person who controlled disbursement of funds for 17:17:45  
4 loan agreements that you signed? 17:17:48  
5 MR. WANG: Objection to form, 17:17:50  
6 argumentative, asked and answered. 17:17:51  
7 THE WITNESS: Again, I don't recall any 17:17:57  
8 specific procedures around whether I authorized or 17:17:58  
9 disbursed funds. 17:18:02  
10 BY MR. KOHLHEPP: 17:18:06  
11 Q Do you recall authorizing and 17:18:06  
12 disbursing funds as part of your job at Aequitas? 17:18:08  
13 A I don't recall that. 17:18:15  
14 I don't recall any specific instances. 17:18:18  
15 Q Okay. Would that generally have been 17:18:22  
16 someone else's job at Aequitas even for a loan 17:18:24  
17 agreement that you signed? 17:18:27  
18 A You know, Peter, I don't recall our 17:18:30  
19 exact structure and processes. 17:18:34  
20 Q How long did you work at Aequitas? 17:18:36  
21 A From 1999 to 2013. 17:18:39  
22 Q I'm just reminding you that you're 17:18:45  
23 testifying under oath here. 17:18:47  
24 A I fully understand that I'm testifying 17:18:49  
25 under oath and I cannot recall our processes and 17:18:52

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